

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No.: 08-069(JRT/JJG)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	PLEA AGREEMENT AND
)	SENTENCING STIPULATIONS
v.)	
)	
SAMUEL BENSION VENTURA,)	
)	
Defendant.)	

The United States of America and Samuel Bension Ventura (hereinafter referred to as the "defendant") agree to resolve this case on the terms and conditions that follow. This plea agreement binds only the defendant and the United States Attorney's Office for the District of Minnesota. This agreement does not bind any other United States Attorney's Office or any other federal or state agency.

1. **Charges.** The defendant agrees to plead guilty to Count 4 of the Indictment, which charges the defendant with bank robbery, in violation of 18 U. S. C. Section 2113(a). The defendant also agrees that he committed five additional bank robberies as charged in the Indictment, and that he is accountable for those bank robberies as relevant conduct. The government will move to dismiss the remaining counts of the Indictment at the time of sentencing.

2. **Factual Basis.** On November 11, 2007, the defendant did by force, violence and intimidation, take from the person and presence of a victim teller approximately \$5,706.00, money which belonged to and was in the care, custody, control, management and

possession of TCF Bank, in Plymouth, Minnesota, the deposits of which were then insured by the Federal Deposit Insurance Corporation.

3. **Statutory Penalties.** The parties agree that Count 4 of the Indictment carries statutory penalties of:

- a. a maximum of 20 years imprisonment;
- b. a maximum supervised release term of 3 years;
- c. a fine of up to \$250,000;
- d. a mandatory special assessment of \$100;
- e. assessment to the defendant of the costs of prosecution, imprisonment, and supervision; and
- f. payment of mandatory restitution in an amount to be determined by the Court.

4. **Revocation of Supervised Release.** The defendant understands that, if he violates any condition of supervised release, he could be sentenced to an additional term of imprisonment up to the length of the original supervised release term, subject to the statutory maximums set forth in 18 U.S.C. § 3583.

5. **Guideline Calculations.** The parties acknowledge that the Court will utilize the United States Sentencing Guidelines to determine the appropriate sentence, and stipulate to the following guideline calculations:

- a. **Base Offense Level.** The parties agree that the base offense level for the offense set forth in Count 4 is 20. (U.S.S.G. § 2B3.1(a)).

- b. Specific Offense Characteristics. The parties agree that the offense level should be increased by 2 levels, because property of a financial institution was taken. (U.S.S.G. § 2B3.1(b)(1)). The parties agree that an increase of 2 levels is appropriate because the demand note used in the robbery contained a "threat of death" as that term is defined under U.S.S.G. §2B3.1(b)(2)(F). No other specific offense characteristics apply.
- c. Grouping of Related Counts. Defendant committed and is accountable for six bank robberies. Under the grouping rules set forth in Guideline Sections 3D1.1 - 3D1.4, the adjusted offense level of 24 for Count 4 must be increased by 5 levels, for a combined offense level of 29.
- d. Acceptance of Responsibility. The government agrees to recommend that the defendant receive a 3-level reduction for acceptance of responsibility and to make any appropriate motions with the Court. However, the defendant understands and agrees that this recommendation is conditioned upon the following: (i) the defendant testifies truthfully during the change of plea hearing, (ii) the defendant cooperates with the Probation Office in the pre-sentence investigation, and (iii) the defendant commits no further acts inconsistent with acceptance of responsibility. (U.S.S.G. §3E1.1). The parties agree that other than as provided for herein no other Chapter 3 adjustments apply.
- e. Criminal History Category. Based on information available at this time, the parties believe that the defendant's criminal history category is III. This does not constitute a stipulation, but a belief based on an assessment of the information currently known. Defendant's actual criminal history and related status will be determined by the Court based on the information presented in the Presentence Report and by the parties at the time of sentencing.
- f. Guideline Range. If the offense level is 26, and the criminal history category is III, the Sentencing Guidelines range is 78-97 months imprisonment.

- g. Fine Range. If the offense level is 26, the fine range is \$12,500.00 to \$125,000.00. (U.S.S.G. § 5E1.2(c)(3)).
- h. Supervised Release. The Sentencing Guidelines require a term of supervised release of between two and three years. (U.S.S.G. § 5D1.2(a)(2)).
- I. Departures and Sentencing Recommendations. The parties both reserve the right to seek a departure from the applicable guideline on any grounds as well as a non-guideline sentence.

6. **Discretion of the Court**. The foregoing stipulations are binding on the parties, but do not bind the Court. The parties understand that the Sentencing Guidelines are advisory and application is a matter that falls solely within the Court's discretion. The Court may make its own determination regarding the applicable guideline factors and the applicable criminal history category. If the Court determines that the applicable guideline calculations or the defendant's criminal history category is different from that stated above, the parties may not withdraw from this agreement, and the defendant will be sentenced pursuant to the Court's determinations.

7. **Special Assessments**. The Guidelines require payment of a special assessment in the amount of \$100.00. U.S.S.G. § 5E1.3. The defendant agrees to pay the special assessment in the amount of \$100 prior to sentencing.

8. **Restitution**. The defendant understands and agrees that the Mandatory Victim Restitution Act, 18 U.S.C. §3663A, applies and that the Court is required to order the defendant to make

restitution to the victims of his crime. There is no agreement as to the amount of restitution. The defendant understands and agrees that the Court may order the defendant to make restitution for all of the six bank robberies charged in the Indictment, including bank robberies for which defendant is not entering a plea of guilty.

9. **Complete Agreement.** This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Dated: June ___, 2008

FRANK J. MAGILL, JR.
Acting United States Attorney

BY: NATHAN P. PETTERSON
Assistant U.S. Attorney
Attorney ID No. 151506

Dated: June ___, 2008

SAMUEL BENSON VENTURA
Defendant

Dated: June ___, 2008

MANNY K. ATWAL
Counsel for Defendant